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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

JASVEER SINGH; JESUS MIER; and)	Case No.: 2:05-CV-0521-MCE-DAD
TOMMIE PRUITT,)	
Plaintiffs,)	
vs.)	STIPULATION AND ORDER TO ALLOW
YELLOW TRANSPORTATION, INC. DBA)	DEPOSITION OF TIM KROETCH AFTER
YELLOW FREIGHT; INTERNATIONAL)	DISCOVERY CUT-OFF
BROTHERHOOD OF TEAMSTERS, LOCAL)	
UNION #439, DANIEL DRAKE, ROGER)	
PRICE, FRANK VELLA and DOES 1)	Trial Date: October 18, 2006
through 20.,)	
Defendants.)	

Plaintiffs Jasveer Singh, Tommie Pruitt, Jesus Mier ("Plaintiffs") and defendants Yellow Transportation, Inc., Roger Price and Daniel Drake, by their undersigned counsel, stipulate for and jointly request an extension of the discovery cut off for the sole purpose of conducting the deposition of Yellow Transportation, Inc. employee Tim Kroetch. In support of this proposed stipulation and order, the parties state as follows:

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1 1. Plaintiffs noticed the deposition of defendant Yellow
2 Transportation, Inc.'s employee Tim Kroetch for December 20,
3 2005, before the discovery cut off date of January 20, 2006.

4 2. Due to a death in his family, Mr. Kroetch was unable
5 to appear for his deposition prior to January 20, 2006.

6 3. Mr. Kroetch is available for deposition during March
7 2006 and counsel for all parties agree to schedule a mutually
8 convenient date for Mr. Kroetch's deposition during the month
9 of March 2006.

10 Therefore, Plaintiff and Defendants stipulate to and
11 jointly request that the Court extend the discovery cut off to
12 and including March 31, 2006 for the sole purpose of conducting
13 Mr. Kroetch's deposition.

14 IT IS SO STIPULATED.

15
16 Dated: February __, 2006 LAW OFFICE OF JOHN RIESTENBERG

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18 By: _____
19 JOHN RIESTENBERG
20 Attorney for Plaintiffs

21 DATED: February __, 2006 FISHER & PHILLIPS LLP

22
23 By: _____
24 JAMES J. McDONALD, JR.
25 TAMARA DEVITT NAUGHTON
26 Attorneys for Defendant
27 YELLOW TRANSPORTATION, INC.

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1 DATED: February __, 2006

LAW OFFICES OF JOSEPH SCALIA

2
3 By: _____

JOSEPH SCALIA

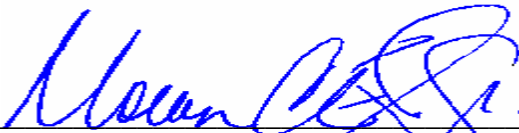
Attorney for Defendants

4 ROGER PRICE AND DANIEL DRAKE

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7 ORDER

8 Based upon the parties' stipulation and good cause
9 appearing therefore, IT IS HEREBY ORDERED that an extension of
10 time of the discovery cut off is granted through and including
11 March 31, 2006 for the sole purpose of conducting the
12 deposition of Tim Kroetch.

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14 DATED: March 15, 2006

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16 MORRISON C. ENGLAND, JR.
17 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

(CCP § 1013(a) and 2015.5)

I, the undersigned, am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; am employed with the law offices of Fisher & Phillips LLP and my business address is 18400 Von Karman Avenue, Suite 400, Irvine, California 92612.

On March 8, 2006, I served the foregoing document entitled **STIPULATION AND [PROPOSED] ORDER TO ALLOW DEPOSITION OF TIM KROETCH AFTER DISCOVERY CUT-OFF**, on all the appearing and/or interested parties in this action by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelope(s) addressed as follows:

John M. Riestenberg Law Offices of John M. Riestenberg 455 Capitol Mall, Suite 410 Sacramento, CA 95814 Tel: (916) 443-6300 Fax: (916) 329-3435	Attorney for Plaintiffs, Jasveer Singh, Jesus Mier and Tommie Pruitt
Mr. Joseph Scalia Law Offices of Joseph Scalia 11335 Gold Express, Suite 105 Gold River, CA 95670 Tel: (916) 858-2286 Fax: (916) 852-7777	Attorney for Roger Price and Daniel Drake
Whitney F. Washburn, Attorney Law Offices of Whitney F. Washburn 11341 Gold Express Dr., Suite 110 Gold River, CA 95670 Tel: (916) 638-8800 Fax: (916) 638-7068	Attorney for Roger Price and Daniel Drake

☒ **[by MAIL]** I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one day after date of deposit for mailing this affidavit.

☒ **FEDERAL** - I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on March 8, 2006, at Irvine California.

Paula Sanchez

By:

Print Name

Signature

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